

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Telephone Number Portability)	CC Docket 95-116
)	
Texas RSA 8 South Limited Partnership)	
)	
Petition for Limited Waiver and Extension of)	
Section 52.31 of the Commission's Rules)	
To: Chief, Wireless Telecommunications Bureau		

**PETITION FOR LIMITED WAIVER AND EXTENSION
OF TIME TO PORT NUMBERS TO WIRELESS CARRIERS**

1. Texas RSA 8 South Limited Partnership ("Petitioner"), by its attorneys, hereby requests a temporary waiver of Section 52.31 of the Commission's rules, and an extension of the May 24, 2004 date for initiation of wireless local number portability ("WLNP") services. In particular, Petitioner seeks a temporary waiver of up to sixty days of the requirement that Commercial Mobile Radio Services ("CMRS") carriers who have received a request from another wireless provider to make available within six months a long-term database method supporting number portability. Petitioner's request for additional relief is specific, focused, and limited in scope. Petitioner has undertaken concrete steps to come as close as possible to full compliance and has a clear path to full compliance.

I. Background

2. Petitioner's wireless operation serves about 4,400 subscribers in four rural area counties in western Texas. It is affiliated with the local non-profit landline exchange carrier ("LEC"), Wes-Tex Telephone Cooperative, Inc. Petitioner's cellular service area is situated within 659 B3 - Texas 8 – Gaines, outside the largest 100 Metropolitan Statistical Areas (MSAs). Petitioner has received requests to implement wireless number portability by May 24, 2004. In preparing to do so, Petitioner has encountered temporary obstacles and, for the reasons stated herein, Petitioner seeks additional time to complete the tasks necessary to implement WLNP services.

A. Deployment of WLNP

3. Petitioner has been diligent in pursuing the services and technology necessary to offer WLNP. Representatives of Petitioner began attending seminars in August 2001 on the deployment of WLNP. On June 19, 2002, Petitioner registered two NPA-NXXs (915-270 & 915-271) with the Mobile Block Identification Administration to prepare for portability. These were later re-registered when Petitioner's area code changed to 432. In February 2004 Petitioner engaged Syniverse Technologies to perform WLNP clearinghouse services, particularly to establish methods and procedures with the Number Portability Administration Center ("NPAC"). In the same month Petitioner sent numbering administrator Neustar a nondisclosure agreement. In late April it was determined by Petitioner's consultant, CHR Solutions, that Petitioner's two NXXs had to be moved off of the LEC Common Language Location Identification ("CLLI") code where they currently "resided" to a separate CLLI code of Petitioner's wireless switch. Only this would convert the number to be registered as "portable" in the LERG, yet this was estimated to take about sixty days.

4. To continue the chronology, on March 2, 2004 Petitioner sent Neustar a new user application, followed by a new user agreement on March 18, 2004. After many calls Petitioner finally received back from Neustar the signed new user agreement. Therefore on May 3, 2004 Petitioner was able to send to Syniverse page J-18 out of Neustar's new user agreement, which allowed Syniverse to begin establishing an interface with Neustar. Presently, Petitioner waits for Neustar to assign Petitioner a service provider identification number ("SPID"), so that Petitioner can complete the exchange of Trading Partner Profile ("TPP") documents with other wireless carriers, including Sprint PCS, Cingular, Verizon Wireless, Western Wireless, Nextel, and T-Mobile.

5. In sum, Syniverse and Petitioner are both waiting for Neustar to grant Petitioner an official SPID. Then Syniverse can complete Petitioner's profile and establish a link with Neustar, and Petitioner can exchange TPPs with other carriers. As soon as the NPA-NXXs are moved to Petitioner's CLLI, testing can begin, perhaps in late June. Petitioner expects to be able to begin commercial porting activity in mid July.

6. Petitioner seeks to deploy WLNP as soon as the numbering administration is completed and the system is tested. Petitioner does not seek to deny or delay WLNP, and is acting in a manner consistent with the Commission's directives announced in *Memorandum Opinion and Order*, 18 FCC Rcd. 20971, CC Docket 95-116, FCC 03-237 (rel. October 7, 2003).

B. Special Circumstances Justify Temporary Waiver

7. Petitioner plans to deploy WLNP as soon as the described numbering issues are resolved. Only now has Petitioner realized that extra time may be necessary for Syniverse and Neustar to complete the final tasks necessary for Petitioner's WLNP deployment. Petitioner has completed the paper work necessary on its part to secure NPAC database and numbering

support, and is presently waiting for numbering and registration issues to be resolved. Petitioner does not anticipate delays from any other factors. For example, Petitioner's wireless switch is LNP capable and Petitioner is financially capable of executing its WLNP responsibilities.

8. The Commission has recognized that carriers may require some additional time to prepare for implementation of number portability. Petitioner sets forth herein its need for minimal additional time to achieve readiness to port numbers to wireless carriers. In accordance with the provisions of *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd. 23697, at para. 30, CC Docket 95-116, FCC 03-284 (rel. November 10, 2003), Petitioner has provided the Commission with "substantial, credible evidence that there are special circumstances that warrant departure from existing rules." The final steps toward WLNP are delineated, and Petitioner has a detailed path to compliance.

9. Generally, the Commission's rules may be waived when there is good cause shown¹ and "when special circumstances warrant deviation from the general rule, and such deviation will serve the public interest."² The Commission has recognized that individual waiver requests that are "specific, focused and limited in scope, and with a clear path to compliance" may be granted where due to "technology-related issues" or "exceptional circumstances," a carrier is unable to meet the established deadline.³ Petitioner's request satisfies this standard.

10. Petitioner presents herein a waiver request that is specific, focused and limited in scope. Petitioner has made good faith efforts to deploy WLNP by implementing all stages of the process that have been achievable to date, and seeks only a temporary waiver permitting

¹ 47 C.F.R. § 1.3.

² *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

³ *See, WAIT Radio v. FCC*, 418 F.2d 1153, 1158 (D.C. Cir. 1969).

additional time to complete the final step toward compliance.

11. Petitioner foresees no harm to the public interest as a result of the short delay. Petitioner has received no porting requests or inquiries from customers, and Petitioner's request for relief is limited to the time necessary for Syniverse and Neustar to complete numbering administration tasks, including testing. This should not adversely impact wireless users in Petitioner's rural service area or the public at large.

12. The Commission itself has recognized that smaller carriers often lack expertise and technical experience with number porting, and that it is in the public interest to allow such carriers additional time to begin porting and to "implement and test the necessary system modifications to ensure reliability, accuracy, and efficiency in the porting process."⁴ The Commission has found that in situations such as the one presented herein, a limited extension of time to commence porting will not adversely impact rural customers.⁵

⁴ See, *Order*, at para. 9 CC Docket No. 95-119, FCC 04-12, released January 16, 2004, granting a six-month extension of time for local exchange carriers with fewer than two percent of the nation's subscriber lines operating in the top 100 MSAs to comply with the wireline-to-wireless porting requirement, referred to as the "*Two Percent Order*."


⁵ *Id.*, at para. 11.

III. Conclusion

For the reasons set forth above, Petitioner requests a temporary waiver and extension of time of up to sixty days, through July 23, 2004, to implement WLNP services. The public interest benefit in this case equals or exceeds that which the Commission has found in other instances to be sufficient for waiver. Accordingly, Petitioner requests that a waiver and temporary extension be granted as proposed.

Respectfully submitted,

TEXAS RSA 8 SOUTH LIMITED PARTNERSHIP

By:  _____

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May 13, 2004

DECLARATION

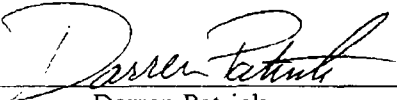
I, Darren Patrick, hereby state and declare:

1. I am Office Manager of Texas RSA 8 South Limited Partnership.
2. I am familiar with the facts contained in the foregoing "Petition for

Limited Waiver and Extension of Time to Port Numbers to Wireless Carriers," and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts which are subject to official notice by the Commission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13th day of May, 2004.


Darren Patrick

CERTIFICATE OF SERVICE

I, Daniel Ladmirault, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 13th day of May, 2004, sent by U.S. mail, first-class delivery, a copy of the foregoing Petition for Limited Waiver and Extension of Time to Port Numbers to Wireless Carriers to the following:

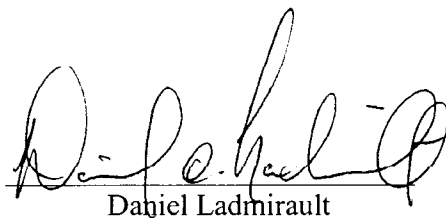
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